IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

Writ Petition No.373 of 2007

(Pherulal s/o Paltu Raut v. Shri Shrikant s/o Ramrao Khati and another)

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Office Notes, Memoranda of Coram, appearances, Court's orders or directions : Court's or Judge's orders and Registrar's orders.

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Shri J.L. Bhoot, Advocate for Petitioner.

CORAM : R.C. Chavan, J.
DATE : 3rd December, 2007

1. This petition, which amounts to abuse of process of Court, has to be rejected for following reasons.

2. First, the petitioner challenges the decree of eviction passed against him and confirmed by the District Judge on the silly ground that the Rent Controller in the last para of his order failed to mention categorically that the application was allowed. The Rent Controller had indeed messed up the order which he wanted to pass. However, the body of the order clearly shows from paras 4 and 5 that the Rent Controller had allowed the application permitting the applicant to terminate the tenancy of the non-applicant. While a layman may have grievances about this type of phraseology used by the Rent Controller when assisted by a lawyer, such ticklish issues should not be raised at least in the writ court.

3. The learned Advocate for the petitioner submitted that while the petitioner was inducted as a tenant by the respondent's father, the respondent initiated the proceedings against the petitioner without joining his father and other members of the family. This dispute could have been

looked into had the respondent's father been brought to the Court to say that he wants to suffer the petitioner as his tenant, instead of what his son had done. The grievance, if any, could have been made by the respondent's father and not by the tenant.

4. In view of this, the petition is devoid of merit and is, therefore, dismissed.

JUDGE

pdl